

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
VERNON R. SEAY and) CASE NO. 08-20136 JPK
JAMIE M. SEAY,) Chapter 13
)
Debtors.)

ORDER DENYING MOTION TO REQUEST ADDITIONAL TIME
TO FILE STATEMENT OF FINANCIAL AFFAIRS, SCHEDULES
AND DEBTORS' CHAPTER 13 PLAN ("MOTION")

The Motion, filed on January 31, 2008, requests an extension of time to and including March 5, 2008 to file the debtors' Statement of Financial Affairs, Schedules and Chapter 13 Plan. There are three separate deadlines applicable here. The first is that provided by Fed.R.Bankr.P. 1007(c), which provides that the Statement of Financial Affairs and the Schedules be filed within 15 days after the date of the petition. Any extension of time "may be granted only on motion for cause shown", and there is nothing in the Motion which states any basis for the extension. The Motion must therefore be denied under Fed.R.Bankr.P. 1007(c).

The next deadline is that provided for automatic dismissal by 11 U.S.C. § 521(i)(1). The 45-day deadline provided by that Rule expires on March 3, 2008. First, because there is no basis to extend the deadline provided by Fed.R.Bankr.P. 1007(c), the Motion necessarily fails. Secondly, any motion seeking to exceed the 45-day deadline must be based upon the Court's finding of "justification for extending the period for the filing". The Motion states no basis for a finding of justification, and thus any extension under 11 U.S.C. § 521(i)(3) must be denied.

Finally, the deadline for filing a Chapter 13 plan is provided by Fed.R.Bankr.P. 3015(b), and again, the 15-day period provided for by that Rule may not be extended "except for cause shown and on notice as the court may direct". The Motion must be denied on the basis of this Rule, because there is nothing in it which establishes any cause.

IT IS ORDERED that the Motion is denied in full.

Dated at Hammond, Indiana on February 19, 2008.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:
Debtor, Attorney for Debtor, Trustee, US Trustee